

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
AUGUST 10, 2009 – 7:00 P.M.  
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*Minutes are unofficial until approved by Council.  
City Council approved minutes as presented September 14, 2009.*

**1. ROLL CALL:**

Mayor Richard Kidd called the regular City Council meeting to order at 7:11 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Victoria Lowe, Camille Miller, Ronald Thompson, Peter Truax, Elena Uhing, and Mayor Richard Kidd. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; Janet Lonneker, Light and Power Director; Jeff King, Economic Development Coordinator; Kerry Aleshire, Police Chief (present in the audience); and Anna Ruggles, City Recorder.

**2. CITIZEN COMMUNICATIONS: None.**

**3. CONSENT AGENDA: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).**

- A. Approve City Council Executive Session (City Manager Evaluation) Meeting Minutes of July 13, 2009.
- B. Approve City Council Work Session (Wayfinders) Meeting Minutes of July 13, 2009.
- C. Approve City Council Regular Meeting Minutes of July 13, 2009.
- D. Accept Historic Landmarks Board Meeting Minutes of May 26 and June 23, 2009.
- E. Accept Parks and Recreation Commission Meeting Minutes of June 17, 2009.
- F. Accept Public Arts Commission Meeting Minutes of June 11, 2009.
- G. Accept Public Safety Advisory Commission Meeting Minutes of June 24, 2009.
- H. Accept Resignation on Community Forestry Commission (Brandy Dodd, Term Expiring December 31, 2011).

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- I. Accept Resignation on Historic Landmarks Board (Cindy Kistler, Term Expiring December 31, 2009).
- J. Accept Resignation on Economic Development Commission (Steve Boone, representing Small Manufacturer, Term Expiring December 31, 2009) and Accept Resignation on Economic Development Commission (Randy Roedl, representing Wood/Agricultural Products, Term Expiring December 31, 2009).
- K. RESOLUTION NO. 2009-51 MAKING APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION (KYLE KOBASHIGAWA, FRYE'S ACTION ATHLETICS, REPRESENTING ALTERNATE DOWNTOWN/RETAIL BUSINESS, TERM EXPIRING DECEMBER 31, 2012, AND RUDY MARCHESI, MONTINORE ESTATE, REPRESENTING SMALL MANUFACTURER, TERM EXPIRING DECEMBER 31, 2012).
- L. Community Development Department Monthly Building Activity Informational Report for June 2009.
- M. Fire Department Monthly Statistics Report for June 2009.
- N. Library Department Monthly Circulation Statistic Report for July 2009.
- O. Police Department Monthly Statistics Report for June 2009.
- P. Endorse Temporary Liquor License Application (Limited On-Premises) for Forest Grove Senior and Community Center, 2037 Douglas Street (Applicant: Dixie Walters and Courtney Jaren).
- Q. Endorse New Liquor License Application (Limited On-Premises and Off-Premises Sales) for Pinot North, 2004 Main Street (Applicant: Randall Reeder).
- R. RESOLUTION NO. 2009-52 MAKING APPOINTMENT TO LIBRARY COMMISSION (PAMELA BAILEY, TERM EXPIRING DECEMBER 31, 2011).

**Council Discussion:**

Truax referenced Consent Agenda Item 3. K. and expressed his appreciation to Kobashigawa and Marchesi for their interest and aspiration to serve on the Economic Development Commission. In addition, Truax referenced Consent Agenda Item 3. R. and expressed his appreciation to Bailey for her interest and aspiration to serve on the Library Commission.

Thompson referenced Consent Agenda Item 3. H. and recognized Dodd for her meritorious service on the Community Forestry Commission.

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Uhing referenced Consent Agenda Item 3. I. and recognized Kistler for her meritorious service on the Historic Landmarks Board. In addition, Uhing referenced Consent Agenda Item 3. J. and recognized Boone and Roedl for their meritorious service on the Economic Development Commission.

Hearing no further discussion from the Council, Mayor Kidd asked for a motion and vote to approve the Consent Agenda as presented.

**MOTION:** Councilor Truax moved, seconded by Councilor Miller, to approve the Consent Agenda as presented. MOTION CARRIED 7-0 by voice vote.

4. **ADDITIONS/DELETIONS:** None.

5. **PRESENTATIONS:**

5. A. **Award Presentation:**

Truax recognized Mayor Kidd for being a recipient of the 2009 “Mayors Leadership Award of Merit”, presented by the Oregon Mayors Association, noting Mayor Kidd received the award at the 2009 Oregon Mayors Association Summer Annual Conference, which was held in Forest Grove.

**Mayor Resignation:**

Mayor Kidd announced his resignation, effective October 22, 2009, after serving 24 years as Planning Commissioner and City Councilor prior to being elected as Mayor in 1998, noting he plans to run for the Washington County Board of Commissioners District 4 seat to be vacated by Andy Duyck next year. In his resignation speech, Mayor Kidd highlighted the City’s achievements during his leadership and said he plans to remain a citizen advocate.

After consulting with the City Attorney, Council made the following motion to accept Mayor Kidd’s resignation and declare the Mayor’s seat vacant.

**MOTION:** Councilor Lowe moved, seconded by Councilor Johnston, to accept Mayor Richard Kidd’s resignation, effective October 22, 2009, at 12:00 p.m., and declare the Mayor seat vacant, term expiring November, 2010.

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Hearing no discussion from the Council, a roll call vote was taken on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Lowe, Miller, Thompson, Truax, and Uhing. NOES: None. ABSTAINED: Mayor Richard Kidd. MOTION CARRIED 6-0.

**Mayor Pro Tem Appointment:**

The City Attorney advised Council of the options available for filling the Mayor vacancy, noting the appointment must be made by the majority of the remaining Council members pursuant to City Charter, Section 32. The term of office for the appointee runs from appointment until expiration of the term of the last person elected to that office. After consulting with the City Attorney, Council made the following motion to nominate and appoint Councilor Peter Truax as Mayor Pro Tem to fill the remaining term of office vacated by Mayor Kidd, term expiring November, 2010.

**MOTION:** Councilor Johnston moved, seconded by Councilor Lowe, to nominate and appoint Councilor Peter Truax as Mayor Pro Tem, effective October 22, 2009, at 12:00:01 p.m., to fill the remaining term of office vacated by Mayor Richard Kidd, term expiring November, 2010.

Hearing no discussion from the Council, a roll call vote was taken on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Lowe, Miller, Thompson, and Uhing. NOES: None. ABSTAINED: Councilor Peter Truax and Mayor Richard Kidd. MOTION CARRIED 5-0.

**Councilor Resignation:**

The City Attorney advised Council that before Councilor Truax could be sworn in as Mayor Pro Tem he would need to resign his seat as City Councilor and the Council would need to declare his seat vacant.

Councilor Truax announced his resignation as City Councilor, under Council Communications, Agenda Item 10, effective October 22, 2009, at 12:00 p.m.

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After consulting with the City Attorney, Council made the following motion to accept Councilor Truax's resignation and declare his seat vacant on the City Council, term expiring November, 2012.

**MOTION:** Councilor Uhing moved, seconded by Councilor Miller, to accept Councilor Peter Truax's resignation, effective October 22, 2009, at 12:00 p.m., and declare the Councilor seat vacant, term expiring November, 2012.

Hearing no discussion from the Council, a vote was taken on the above motion.

**VOICE VOTE:** AYES: Councilors Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Kidd. NOES: None. ABSTAINED: Councilor Peter Truax.  
**MOTION CARRIED 6-0 by voice vote.**

**Councilor Vacancy Appointment Process:**

The City Attorney advised Council of the options available for filling the Councilor vacancy, noting the appointment must be made by the majority of the remaining Council members pursuant to City Charter, Section 32. The term of office for the appointee runs from appointment until expiration of the term of the last person elected to that office. The remaining term of office vacated by Councilor Peter Truax expires November, 2012.

At the conclusion of the above discussion, Council collectively asked the City Recorder to begin the application process for filling the Councilor vacancy pursuant to City Code, Section 2.070-2.080. Upon consulting with the City Recorder, Council set Friday, September 4, 2009, at 5:00 p.m. as the deadline for submitting applications for the Councilor vacancy. Interviews will be held October 5 and/or October 12, 2009, with the official appointment occurring at the meeting of October 26, 2009, at which time, Council will also be asked to appoint a new Council President.

**5. B. Economic Development Commission Strategic Plan:**

King introduced Don Jones, Economic Development Commission (EDC) Chair, and reported the purpose of the above-noted presentation was to present the Economic Development Commission's proposed 2009 Strategic Plan Goals and

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Action Steps. King and Jones reported that the EDC has been working very hard in preparing a Strategic Plan to help position and strengthen the economy in Forest Grove, noting the Strategic Plan would be used as a guide for City Council and City staff over the next few years. King and Jones referenced a handout entitled "EDC 2009 Strategic Plan Goals and Action Steps", noting the EDC completed a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis. King and Jones indicated the EDC appointed subcommittees to review and rank the results of the SWOT analysis, noting 29 goals were identified. In conclusion, King and Jones advised that the EDC was seeking Council feedback before finalizing and selecting their top five priority goals to serve as the EDC's current and short-term action agenda, noting the EDC plans to present its final report and resolution for Council consideration at a later date.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to the EDC's 2009 Strategic Plan Goals and Action Steps. King and Jones addressed various Council inquiries and suggestions pertaining to the City's water supply; student education and program degrees; parks and trail systems; transportation access and needs; and expansion and retention of existing businesses. In conclusion of the above discussion, Council highly commended the EDC for their joint collaboration in preparing a very detailed and comprehensive Strategic Plan.

5. C. Urban and Rural Reserves Briefing:

Holan reported the purpose of the above-noted briefing was to bring Council up-to-date on what is occurring with the Urban and Rural Reserves process, noting the Washington County Reserves Coordinating Committee's (WCRCC) Project Advisory Committee (consisting of County Planning Directors and staff of each member agency) has been working on the recommendation for Urban and Rural Reserves, noting the proposed WCRCC's Urban and Rural Reserves recommendation includes approximately 33,800 acres designated as urban reserves and approximately 108,800 areas designated as rural reserves; incorporates all the area proposed by Forest Grove; and excludes 5,100 acres identified for urban development by the communities of Banks and North Plains as these cities are not part of Metro. Holan referenced a handout entitled "City of Forest Grove Draft Potential Candidate Urban Reserve

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Analysis”, noting staff prepared the narrative with assistance from the City Attorney. Holan presented a copy of a revised map entitled “Recommended Rural and Urban Reserves”, noting Forest Grove has identified two distinct areas as potential candidate urban reserve areas. The first area is north of Purdin Road and Verboort Road and contains approximately 3,145 gross acres (2,335 net acres after deducting land for wetland areas) and the second area is a 37-acre site located south of town adjacent to the Taylor Way industrial area.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to Forest Grove’s potential candidate urban reserves analysis. Holan addressed various Council inquiries and suggestions pertaining to Forest Grove’s proposed reserves; sub-regions; Public Hearing process; and scheduled timelines submitted by the WCRCC, noting the WCRCC will receive public testimony through September 1, 2009, with a final recommendation being forwarded to the Regional Reserves Steering Committee and Core 4 decision-makers sometime in October, 2009.

6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2009-11 AMENDING FOREST GROVE CODE SECTION 4.205(8) RELATING TO ELECTRIC UTILITY RULES AND REGULATIONS (REFUSAL OF SERVICE OR DISCONNECTION DUE TO INACCESSIBILITY OF THE ELECTRIC FACILITIES BY UTILITY PERSONNEL)**

Staff Report:

Lonneker presented the above-proposed ordinance for Council consideration, noting the proposed ordinance would amend Forest Grove Code, Section 4.205(8), to adopt provisions addressing disconnection of electric service due to inaccessibility of all electric facilities for the purpose of making necessary repairs and addressing safety issues that occur during power outages and hazardous conditions. Lonneker noted the City Attorney has reviewed and approved the proposed Code amendments. In addition, Lonneker presented a PowerPoint presentation highlighting several electrical facilities within the Light and Power district that are currently inaccessible due to overgrown vegetation and fencing that inhibits emergency access to the electrical facilities.

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Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Ordinance No. 2009-11.

Elsner read Ordinance No. 2009-11 by title for first reading.

**MOTION:** Councilor Truax moved, seconded by Councilor Lowe, to adopt Ordinance No. 2009-11 Amending Forest Grove Code Section 4.205(8) Relating to Electric Utility Rules and Regulations (Refusal of Service or Disconnection Due to Inaccessibility of the Electric Facilities by Utility Personnel).

**Public Hearing Opened:**

Mayor Kidd opened the Public Hearing.

**Proponents:**

No one wished to testify and no written comments were received.

**Opponents:**

No one wished to testify and no written comments were received.

**Others:**

No one wished to testify and no written comments were received.

**Public Hearing Closed:**

Mayor Kidd closed the Public Hearing.

**Council Discussion:**

Uhing voiced concern that the proposed Code language would allow utility personnel to disconnect service without prior notification to the consumer, to which Lonneker advised the Light and Power Department provides written notice (allowing up to 90 days and an additional 60 days if necessary to comply) and offers various compliance options to consumers.

In response to Mayor Kidd's inquiry, Ruggles advised that the proposed ordinance was provided to each Councilmember and was published by title only in the *NewsTimes* on August 5, 2009; however, the proposed ordinance

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and staff report were not made available to the public until Thursday, August 6, 2009; therefore, not complying with the newly-adopted City Charter, Chapter IV, Section 16(b), which allows the Council to enact an ordinance at a single meeting by unanimous approval by at least five Councilmembers, providing the proposed ordinance has been made available to the public at least seven days before the meeting.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion for first reading.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Lowe, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. MOTION CARRIED 7-0.

Mayor Kidd announced the above-noted ordinance would be scheduled for second reading at the next meeting of September 14, 2009.

7. **AUTHORIZE CITY MANAGER TO ENDORSE THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND VERIZON NORTHWEST INC. (PRIVILEGE TAX/FRANCHISE FEE)**

**Staff Report:**

Downey presented the above-proposed agreement for Council consideration, noting the proposed Settlement Agreement with Verizon Northwest Inc. is for under/over-payments of franchise fees paid to the City of Forest Grove for period from January 1, 2002, through December 31, 2005. Downey reported the Oregon Municipal Audit Review Committee has negotiated a settlement agreement with Verizon, noting Verizon has agreed to settle with payments rather than continue the audit process and the cities are willing to consider the settlement agreement. Verizon is offering to pay \$23,866 to settle the audit process with the City of Forest Grove. Downey noted Verizon would pay the City the above-noted amount within 60 days of all cities executing the Settlement Agreement.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to accept the Settlement Agreement and authorize the City Manager to endorse the Settlement Agreement on behalf of the City of Forest Grove.

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**MOTION:** Councilor Uhing moved, seconded by Councilor Miller, to accept the Settlement Agreement between Verizon Northwest Inc. and the City of Forest Grove and authorize the City Manager to endorse the Settlement Agreement on behalf of the City of Forest Grove.

**Council Discussion:**

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Lowe, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. MOTION CARRIED 7-0.

8. **RESOLUTION NO. 2009-49 AMENDING CITY MANAGER'S COMPENSATION PLAN AND EMPLOYMENT AGREEMENT AND AUTHORIZING COMPENSATION FOR THE CITY MANAGER FOR FISCAL YEAR 2009-10, EFFECTIVE JULY 1, 2009, THROUGH JUNE 30, 2010**

**Staff Report:**

Mayor Kidd presented the above-proposed resolution for Council consideration, noting the Council met in Executive Session earlier and has found the City Manager's performance to be commendable. Sykes advised Council he is declining a salary increase due to the economic times the City is currently facing.

Before proceeding with the Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-49.

Elsner read Resolution No. 2009-49 by title.

**MOTION:** Councilor Lowe moved, seconded by Councilor Uhing, to amend Resolution No. 2009-49 by deleting the third "Whereas: It is the desire of the City Council to recognize the City Manager's performances through a compensation adjustment.", and approve as amended Resolution No. 2009-49 Amending City Manager's Compensation Plan and Employment Agreement and Authorizing Compensation for the City Manager (\$10,323/monthly / \$128,876/annually) for Fiscal Year 2009-10, Effective

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July 1, 2009, through June 30, 2010.

**Council Discussion:**

Mayor Kidd opened the floor and roundtable discussion ensued. At the conclusion of the above discussion, Council collective stressed that Sykes's performance was meritorious and worthy of a salary increase; however, due to the current economy, the Council concurs with Sykes's recommendation.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Lowe, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. MOTION CARRIED 7-0.

**9. CITY MANAGER'S REPORT:**

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reminded Council of the Five-Cities Legislative Work Session scheduled for August 13, 2009. Sykes distributed a copy of new legislation pertaining to abandoned shopping carts, to which Council collectively supported exploring further. In addition, Sykes provided brief updates on various City-related training, matters, and projects.

**10. COUNCIL COMMUNICATIONS:**

Johnston reported he was very pleased with the events he attended during the Oregon Mayors Association Summer Conference, which was held in Forest Grove at Pacific University Campus. In addition, Johnston reported on various upcoming meetings he was planning to attend.

Lowe provided a brief update on water-related matters. In addition, Lowe reported on various meetings and events she attended and upcoming meetings and events she was planning to attend.

Miller reported on various upcoming community events and activities.

Uhing reported on various meetings and events she attended and upcoming meetings and events she was planning to attend.

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Thompson provided a brief update on Ride Connection-related matters.

Truax reported on the Forest Grove Rural Fire Protection District meeting, noting the Board discussed fire-related matters and training. Truax provided a brief update on the Liquid Natural Gas pipeline. In addition, Truax suggested holding a Council work session to discuss water-related issues. In conclusion, Truax announced his resignation, effective October 22, 2009, at 12:00 p.m. (refer to Agenda Item 5. A.).

Mayor Kidd reported on various regional, Metro, and Washington County meetings and tours he attended and upcoming meetings and events he was planning to attend. In addition, Mayor Kidd reported on various Washington County transportation issues, various regional and local issues, and various upcoming community events and activities. In conclusion, Mayor Kidd reported he was extremely pleased with the outcome of the Oregon Mayors Association Summer Conference, which was held in Forest Grove at Pacific University Campus.

11. **ADJOURNMENT:**

Mayor Kidd adjourned the meeting at 9:55 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder